

## **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet" of drawings includes changes to Figure 5. and replaces the original sheet including Figure 5.

Attachment: Replacement Sheet (Page 4/9)

### **EXAMINER INTERVIEW**

Applicants would like to thank the Examiner for the courtesies extended during the lengthy phone conference of May 2, 2008 with Christopher Eusebi. During the interview, the objections to the figures and specification were discussed. The parties agreed that, in order to expedite prosecution, minor amendments to the figures and specification can be made which overcome the rejections under 35 USC § 112. In this regard, Applicants have agreed to amend the specification to better link the claim elements to the description in the specification. Additionally, Applicants agreed to amend Figure 5 to clarify that the base portion 14 can be a single member coupled to both the superstructure and the exterior portion. The amendment to the drawings is not inconsistent with the drawings as originally filed in which reference numeral 14 pointed to two portions of the same member. Applicants respectfully traverse the Examiner's characterization of the original drawings as "deliberately misleading" (Office Action of January 30, 2008, page 5). As discussed during the telephone conference, there is no evidence of record to support a supposition of intent to mislead, as all the features at issue are shown in Figure 5.

Although discussed, no agreement as to the patentability of the claims was reached.

### **REMARKS**

Claims 1-9, 21, 23, 25-28, and 34-42 are now pending in the application. Claims 1-9, 21, 23, 25-28, and 34-42 stand rejected. Claim 21 has been amended. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is

respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

#### **DRAWINGS**

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character “14” is alleged to have been used in Figures 1 and 2 for two separate base portions. The Examiner’s attention is directed to Figure 5. As discussed in the interview, Figure 5 has been amended to add the additional badging number 14 which clarifies that the use of “14” in Figures 1 and 2 is proper.

#### **SPECIFICATION**

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter in accordance with 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o), specifically regarding the “first actuator that extends between an extension portion, a foot, or even a member” in independent Claims 1, 6 and 34 and regarding item “14” in Figures 1 and 2, as mentioned above. The Examiner’s attention is directed to paragraphs [0025] and [0026] which have been amended to clarify that the first actuator can be element 22 while the actuator 20 can be the second actuator as shown.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 9, 21 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, Applicants traverse this characterization.

As discussed during the interview and described in previous actions, the first actuator as claimed can relate to the worm gear 22, while the second actuator can relate to actuator 20. As discussed, these elements, as described in the application as filed, meet the structural and functional limitations as claimed. As such, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102 & § 103**

Claims 1, 8, 34, 36-37, and 41-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Harwin et al. (U.S. Pat. No. 6,458,135). Claims 2-7 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harwin et al. in view of Axelson, Jr. et al. (U.S. Pat. No. 5,860,980). Claims 9, 21, 23, 28, and 35 stand rejected as being unpatentable over Harwin et al. in view of Wixom et al. (U.S. Pat. No. 5,624,444). Claims 25-27 stand rejected as being unpatentable over the combination of Harwin et al. and Wixom et al. as applied to Claim 21 above, and further in view of Axelson, Jr. et al. In view of the arguments herein, these rejections are respectfully traversed.

In the rejection of the claims, the Office characterizes the Harwin reference as teaching the base may be rotatably coupled to the base. Applicants respectfully submit the Harwin reference does not contain the limitation “the first actuator rotatably displaces the extension portion with respect to the base portion.” As discussed in previous responses to Office Actions, the element cited by the Office is a tightening knob and not an actuator. Applicants note this limitation is contained in independent Claims 1, 6, 9 and 34.

The Examiner's attention is directed to Claims 21 and 34 which contain the limitation that the first actuator is displaced from the rotational axis. Applicants note that contrary to the assertion of the Office, the cited knob of Harwin is aligned with the rotation axis. Applicants note the references cited do not teach this limitation.

With respect to the rejections under 35 U.S.C. § 103, Applicants submit that for the reasons described above, the references cited do not teach or suggest the claimed limitations. As such, Applicants request withdrawal of the rejections.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 30, 2008

By: Richard W. Warner  
Richard W. Warner, Reg. No. 38,043  
Christopher A. Eusebi, Reg. No. 44,672

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

CAE/lf-s/smb